

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Hiroki SATO et al. : Attn: BOX PCT

Serial No. 10/089,448 : Docket No. 2002\_0348A

Filed March 29, 2002 :

INOCULATING AGENT, SPAWNED INSECT  
AND METHOD OF PRODUCING FRUIT  
BODIES OF ENTOMOPATHOGENIC FUNGI  
[Corresponding to PCT/JP99/05317  
Filed September 29, 1999]

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**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371**  
**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Assistant Commissioner for Patents,  
Washington, DC 20231

Sir:

The PTO Notification also requires a multiple dependent claim fee of \$280.00. However, although not acknowledged on the first page of the Notification, a Preliminary Amendment was filed with the other papers, which amends the claims to avoid the multiple dependent claims. A copy of the postcard receipt for the papers, including the Preliminary Amendment, is enclosed.

Unlike the other papers prepared by Applicants' attorney, the copy of the Preliminary Amendment in Applicants' attorney's file is not signed. Accordingly, please find enclosed herewith a signed copy of the Preliminary Amendment.

Under these circumstances, it is respectfully submitted that the multiple dependent claim fee of \$280.00 need not be paid.

However, if the PTO determines that the multiple dependent fee is required, perhaps because the Preliminary Amendment was not signed, authorization is hereby given to charge the fee to

Applicants' attorney's deposit account (23-0975). For this purpose, a duplicate of this paper is enclosed.

Respectfully submitted,

Hiroki SATO et al.

By

  
Michael R. Davis

Registration No. 25,134

Attorney for Applicants

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July 19, 2002

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. §371U.S. APPLICATION NO.  
(if known, see 37 CFR 1.3)  
10/089,448International Application No.  
PCT/JP99/05317International Filing Date  
September 29, 1999

Priority Date Claimed

**Title of Invention**INOCULATING AGENT, SPAWNED INSECT AND METHOD OF PRODUCING FRUIT BODIES OF  
ENTOMOPATHOGENIC FUNGI**Applicant(s) For DO/EO/US**

Hiroki SATO and Mitsuaki SHIMAZU

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. §371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. §371.
3.  This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 U.S.C. §371(c)(2))
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US)
6.  A translation of the International Application into English (35 U.S.C. §371(c)(2)).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)).
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  A translation of the amendments to the claims under PCT Article 19.
9.  An oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)).
10.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).

**Items 11. to 14. below concern other document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A **FIRST** preliminary amendment.
  - A **SECOND** or **SUBSEQUENT** preliminary amendment.
14.  Other items or information:
  - (a) Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)
  - (b) Copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/089,448	INTERNATIONAL APPLICATION NO. PCT/JP99/05317	ATTORNEY'S DOCKET NO. 2002 0348A	
15. [X] The following fees are submitted		CALCULATIONS PTO USB ONLY	
<b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b>			
Neither international preliminary examination fee nor international search fee paid to USPTO and International Search Report not prepared by the EPO or JPO .....		\$1040.00	
International Search Report has been prepared by the EPO or JPO .....		\$ 890.00	
International preliminary examination fee not paid to USPTO but international search paid to USPTO .....		\$ 740.00	
International preliminary examination fee paid to USPTO but claims did not satisfy provisions of PCT Article 33(1)-(4) .....		\$ 690.00	
International preliminary examination fee paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....		\$ 100.00	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [X] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$130.00	
Claims	Number Filed	Number Extra	Rate
Total Claims	-20 =		X \$18.00 \$
Independent Claims	- 3 =		X \$84.00 \$
Multiple dependent claim(s) (if applicable)		+ \$280.00 \$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$	
[ ] Small Entity Status is hereby asserted. Above fees are reduced by 1/2.		\$	
<b>SUBTOTAL =</b>		\$	
Processing fee of \$130.00 for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+ \$	
<b>TOTAL NATIONAL FEE =</b>		\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +		\$40.00	
<b>TOTAL FEES ENCLOSED =</b>		\$170.00	
07/24 2002 MKAYPAGH 00000087 10089448	Amount to be refunded	\$	
01 FC:154 130.00 OP	Amount to be charged	\$	
a. [x] A check in the amount of \$170.00 to cover the above fees is enclosed. A duplicate copy of this form is enclosed. b. [ ] Please charge my Deposit Account No. 23-0975 in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. [ ] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-0975.			
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.			
19. CORRESPONDENCE ADDRESS		By:  Michael R. Davis, Registration No. 25,134 WENDEROTH, LIND & PONACK, L.L.P. 2033 "K" Street, N.W., Suite 800 Washington, D.C. 20006-1021 Phone:(202) 721-8200 Fax:(202) 721-8250 July 19, 2002	
THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEES FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975		[CHECK NO. <u>51217</u> ] <span style="float: right;">[2002_0348A]</span>	

THE COMMISSIONER IS AUTHORIZED  
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 FEES FOR THIS PAPER TO DEPOSIT  
 ACCOUNT NO. 23-0975



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/089,448	Hiroki Sato	2002-0348A
INTERNATIONAL APPLICATION NO.		
PCT/JP99/05317		
I.A. FILING DATE		PRIORITY DATE
09/29/1999		
<b>CONFIRMATION NO. 9408</b>		
<b>371 FORMALITIES LETTER</b>		
 *OC000000008247052*		

Date Mailed: 06/07/2002

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Request for Immediate Examination

RECEIVED  
JUN 13 2002

WENDEROTH, LIND & PONACK

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions

of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of **\$280** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$410** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$280**
  - **\$280** for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

SHAKEEL AHMED

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Telephone: (703) 305-3659

PART 1 - ATTORNEY/APPLICANT COPY

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/089,448	PCT/JP99/05317	2002-0348A

FORM PCT/DO/EO/905 (371 Formalities Notice)